

# Kentucky Gazette.

NUMB X.]

Quicquid agunt homines—nostri sarrago libelli. Juv. Sat. 8: v. 85.

[VOL. VII

SATURDAY, NOVEMBER 23, 1793.

LEXINGTON; Printed by JOHN BRADFORD, at his Office in Court Street; where Subscriptions, (at Fifteen Shillings per Annum) Advertisements &c. are thankfully received, and Printing in its different branches done with care and expedition.

## General Assembly of Kentucky.

The following is the address of his excellency the Governor, to both Houses of the Legislature in the Senate Chamber, on Wednesday, November 6th 1793.

"Gentlemen of the Senate, and of the House of Representatives:

"The violent and general attack made by the Indians last spring on the frontiers of this State, obliged me to order a considerable number of guards and scouts into service. As they were called under the powers given me for that purpose by the General Government, it will only be necessary for this State to make provision for the additional pay allowed to its militia, when called into the service of the United States. The amount of this charge, altho' considerable when compared with our small resources, will I trust, be cheerfully provided for from the necessity of the measure, and from a proper sense of the situation of such of our fellow citizens, as are daily exposed to the ravages of a barbarous enemy. In consequence of their depredations, I made several representations to the General Government, stating the frequent incursions of the Indians into this State, the defenceless situation of our frontiers, the inefficacy of the measures which had been hitherto used for their defence, and my opinion, by which a more real protection could be afforded to this country. To these communications I received an answer from the Secretary of War, by order of the President of the United States, assuring me that the President was fully convinced of the propriety of imparting to all the exposed parts of the frontiers, the most ample protection against the hostile incursions of the savages; and that if the efforts which were then

making to bring about a general peace with the Indians, failed of success, that effectual measures would be used to demonstrate to them the power of the United States to punish their cruel depredations. Copies of these papers will be laid before you for your further information on this subject.

"Having been authorized by the President of the United States, to establish two Block houses on the Wilderdes road leading to the Holston settlements, provided they could be garrisoned by militia, to be continued in service for any length of time not exceeding six months, and to be entitled to the same pay and rations, as the troops of the United States; I considered the rendering of this road safe so important to this State, as to make the establishment of these posts a desirable object. But I found that it would be very difficult to establish and relieve these garrisons with militia, under the present militia law; and that it would be impracticable to procure men to engage in that service voluntarily, for the pay and rations allowed the troops of the United States. Under these circumstances, I judged it most proper to appoint two officers to enlist the number of men necessary for this service, for the term of six months, and to give it as my opinion, that there was no doubt but that they would be allowed by the State the same additional pay that they would have been entitled to if they had been called out as militia. And the men have been raised under an expectation that they would receive this additional allowance. From the importance of the service which they render;

from the real saving which will arise from this mode in preference to that of calling out the militia; and from the impracticability of keeping up these posts with militia. I have no doubt that provision will be made for the additional pay to those who have been employed. If the legislature wish to have those posts kept up after the time for which those men are now engaged, it will be necessary to make provision by law for the additional pay to be allowed to those garrisons in future.

"My great solicitude that the Judiciary should be placed on a proper establishment, will plead my excuse for again calling the attention of the legislature to that subject. The present situation of the Judges of the court of Oyer and Terminer requiring your most serious consideration; it is impossible to expect, that Judges possessed of the necessary degree of integrity, knowledge and independence, will long hold these offices for the inadequate compensation now allowed them by law; some recent events which have taken place in this State, must fully evince the necessity of having our supreme court of criminal jurisdiction filled with judges, properly qualified to discharge the duties of that important trust.

"The act passed at the last session of the General Assembly, for regulating the fees of county court Justices, has been found to operate to the oppression of the poorest, and most improvident part of our fellow citizens. I have no doubt therefore, that it will be amended, so as to remove all just cause of complaint respecting it.

"The situation of this country, seems to require a peculiar attention to our inspection laws, the expence that must be incurred, from the great distance which our commodities have to be transported to market, can be made good to the exporter, so as to enable him to give the farmer an adequate price for them; only by the superiority of their quality. I submit to your consideration, whether it would not be better to pass plain and short laws for this purpose; adapted to the circumstances of this State, than to rely on the lengthy and complicated acts of Virginia, which are not suited to our situation, and which are in the hands of only a few of our fellow citizens.

"I have appointed five Directors of the public buildings; also an Agent to receive from the Land-Office in Virginia, the original papers on which the titles to land in this State depend; and two persons to examine the Surveyor's Offices of the State, and Continental lines, as directed by a resolution and two acts of the last General Assembly. It will therefore be necessary for the legislature, now to fix on a proper allowance to be made for those services.

"Gentlemen of the House of Representatives:

"You will have laid before you, returns from the Auditor and Treasurer, by which you will be informed of the amount of taxes that have become due under the revenue law of this State; of the sums which have been paid into the Treasury on account thereof; also of the amount of the warrants which have been granted by the Audit.

[See last page.]



# NEW FRENCH CONSTITUTION. [Concluded from our 1st.]

## Of the relation of the Executive Council to the Legislature.

75. The executive council shall reside near the legislature—it shall have a separate chamber and a separate entrance, into the place of its meetings.

76. It shall be heard as often as it shall have any report to make.

77. The legislative body may call for the presence of the executive council at its sittings, either in the whole or in part, whenever it shall judge proper.

## Of the Administration and Municipal Bodies.

78. There shall be in every commune of the republic a municipal administration.

In every district an intermediate administration.

In every department a central administration.

79. The municipal officers shall be elected by the assemblies of the commune.

80. The administrators shall be appointed by the electoral assemblies of the department and of the district.

81. The municipalities and administrations shall be renewed by one half, every year.

82. The administrators and municipal officers have no representative characters—they cannot in any case, modify the acts of the legislature nor suspend the execution of them.

83. The legislature shall prescribe the functions of the municipal officers and administrators, the rules of their subordination and the penalties which they may incur.

84. The assemblies of the municipalities and the administrators, shall be public.

## Of Civil Justice.

85. The code of civil and criminal law shall be uniform throughout the republic.

86. The right which the citizens have of terminating their disputes by arbitrators chosen by themselves, shall not be infringed.

87. The decision of these arbitrators shall be definitive, unless the parties have reserved the right of appeal.

88. There shall be justices of the peace elected by the people in cantons, the limits of which shall be fixed by law.

89. They shall accommodate differences and administer justice without cost.

90. Their numbers and their qualifications shall be regulated by the legislature.

91. There shall be public arbitrators appointed by the electoral assemblies.

92. Their number and the district in which they shall exercise their authority shall be determined by the legislature.

93. They shall take cognizance of disputes which have not been finally determined by private arbitrators, or by the justices of the peace.

94. They shall decide in public. They shall give their opinion openly. They shall determine in the dernier resort, either upon verbal defence, or upon a simple memorial, without pleading, and without costs. They shall give the reasons of their decisions.

95. The justices of the peace, and the public arbitrators shall be elected every year.

## Of Criminal Justice.

96. In a criminal purpose no citizen can be tried except upon an accusation, by a jury, or decreed by the legislature.

The accused shall have counsel particularly nominated for them, or there shall be public officers appointed to defend them.

The accusation shall be public. Both the fact and the intention shall be determined by a jury.

The penalty shall be applied by a criminal tribunal.

97. The criminal judges shall be elected every year by the electoral assemblies.

## Of the Tribunal of Final Appeal.

98. There is for the republic but one tribunal of final appeal.

99. This tribunal does not take cognizance of the merits of a cause. It pronounces only upon violations in the forms, and on the evident deviations from the law.

100. The members of this tribunal are appointed every year by the electoral assemblies.

## Of Public Contributions.

101. No citizen is dispensed from the honorable obligation of contributing to support the burden of public expenditure.

## Of the National Treasury.

102. The national treasury is the central point of the receipts and expenditures of the republic.

103. It is superintended by responsible agents appointed by the executive council.

104. The conduct of these agents is inspected by commissioners appointed by the legislature, taken from among the mass of citizens, and responsible for such abuses as they do not denounce.

## Of Accounts.

105. The accounts of the agents of the national treasury and of the administrators of public money are annually rendered to responsible commissioners named by the executive council.

106. The proceedings of these agents are inspected by commissioners appointed by the legislature from among the mass of citizens, and responsible for such abuses and errors as they do not denounce. The legislative body finally settles accounts.

## Of the Forces of the Republic.

107. The general force of the Republic consists of the whole people.

108. The republic has under pay in time of peace, an armed force by sea and land.

109. All Frenchmen are soldiers; they are all exercised in the management of arms.

110. There is no commander in chief.

111. The difference between grades, their distinguishing marks and subordination only subsist in relation to and during actual service.

112. The public force employed to maintain order and internal peace only acts upon the requisition, in writing of the constituted authorities.

113. The public force when employed against external enemies acts under the direction of the executive council.

114. No armed body deliberates.

## Of National Convention.

115. If in a majority of the departments, one tenth of the primary assemblies regularly formed of each, call for a revision of the constitutional act, or an alteration of any of its articles, the legislative body convokes the primary assemblies of the Republic, to determine whether there shall be a National Convention.

116. The National Convention is formed in the same manner as the legislative, and can exercise legislative powers.

117. As far as relates to the constitution, the Convention confine their deliberations to the articles the defects of which caused their convocation.

## Of the relation between the Republic and Foreign Nations.

118. The French people are the friends and natural allies of all free nations.

119. They do not meddle with the government of other nations. They do not suffer other nations to meddle with theirs.

120. They hold out an asylum to foreigners banished from their country for their love of liberty. They refuse an asylum to tyrants.

121. They will not make peace with an enemy that occupies part of the territory of the Republic.

## The guarantee of Rights.

122. The constitution guarantees to every Frenchman equality, liberty, security and property, the public debt, the free exercise of religious worship, and education, public succours, the indivisible liberty of the press, the right of petitioning, the right of assembling in popular societies, the enjoyment of the rights of Man.

123. The French Republic honors patriotism, courage, old age, filial piety, the unfortunate. They repose the sacred deposit of the constitution under the safeguard of all the virtues.

124. The declaration of rights and the constitutional act is engraved on tables, in the centre of the legislative hall, and on all public squares.

(Signed)  
COLLOT D'HERBOIS, President  
Durand, Mailane,  
Ducos, Meaulle,  
Ch. De la Croix,  
Gossuin Laloy. } Secretaries

LONDON, August 1.  
Negapatnam, taken from the Dutch in the last war, is to be exchanged, in consequence of a recent agreement, for Cohn, a settlement on the Malabar coast, near Telicherry.

The Duke of Brunswick will immediately enter Lorraine, at the head of an army of forty or fifty thousand men.—Landau and Straiburg, he will probably, leave upon his left. They are both strongly fortified, and would occupy too much time in their reduction.

August 2. The siege of Valenciennes was forty-four days continuance. The place was invested on the 23d of May, the day the Allies took possession of the heights of Famars; the trenches were opened against it on the 14th of June; and the batteries of the first parallel on the 18th.

August 6. On Thursday his Royal Highness the Duke of York gave a grand dinner at his head quarters, to a vast number of general and field officers; and on Friday last his Royal Highness, with Sir James Murray, and several of his suite, dined with the Prince de Saxe Cobourg, when the future operations were settled.

It is conjectured, that the Duke of York will march an army towards Dunkirk and Calais; and the Prince of Saxe Cobourg, reinforced by the Prussians, will march into France.

It was on Saturday, strongly reported at Ostend, that Bouchain, Cambrai, and Maubeuge, have offered to open their gates to the Prince of Saxe Cobourg.

The garrison at Dunkirk, by the last accounts, is estimated at 14,000 men.

August 12.  
C U S T I N E.

This general is no more; by accounts received yesterday, we learn that he was sentenced to death, and has been guillotined. It is asserted that the fury of the populace was such, that they tore his body into pieces.

The following is the substance of the charges that were adduced against him:

First: That at the very sight of the enemy he remained inactive, with a view of penetrating into the interior of France, and replugging the nation into slavery, as soon as the insurrections in the departments should become general.

That he placed none but suspicious characters at the head of the different corps under his orders, that he might be able to imitate Dumourier, if he had remained in his post.

That he made papillons of the decrees of the Convention, and arrested the national commissioner Celiot, for having disapproved among the troops the journal of the mountain.

That, whenever he pleased, he dismissed such of his troops as did not embrace his views, to arm those who espoused his cause, and exercised the power of life and death over his soldiers.

That he abandoned Ments to its fate, though he had offered, with his head, to answer for its safety, and weakened the army destined for its relief, under pretence of raising the siege of Conde, which he suffered to be taken, and of Valenciennes, for the success of which he did not make the least effort.

That he was at Paris, and held conferences with Bourmonville, while Dumourier was consummating the most infamous piece of treachery.

That he offered to become the dictator of France, and adopted the tone and style of Buzot, Vergnani, Brissot, and others, against the anarchists, disorganizers, clubs, Marat, and the mountain.

That on his own authority, and without a trial, he ordered three volunteers to be shot, under pretence of their having committed robbery.

That he lavished praise upon the despot of Berlin, who is still daily shedding streams of French blood; and informed the enemy of the plans of the republican army, before they were executed.

That he encouraged all the aristocrats, and disgusted all the patriots—supported every ill-disposed person, and molested the Sans Colottes, persecuted the minister Bouchotte, as Dumourier did Pache because Bouchotte followed the footsteps of Pache—and endeavored to displace general Houchard.

That he falsely announced the capture of Conde, with a view to favor the insurrection which was intended to be raised on the 14th of July, by the conspirators against the members of the mountain.

And that he wrote a billet to the commandant at Metz to surrender.

Lexington, November 23.

We have just received information, that sometime last week, the Indians killed 2 men near Massies station on the Ohio; and fired on several boats between Limestone and Cincinnati.—Also, that a few days ago some hunters were driven in from Eagle creek, and others chased near Frankfort by the Indians.—A man arrived in George town late on Friday evening who informed, that two Indians fired at him that afternoon, within a mile of Frankfort.

DAVID LINES,  
Taylor and Habit-Maker;

WOULD wish to inform the public in general, that he has lately set up his trade in Lexington, at Mr. Ware's tavern. Any gentlemen that favors him with their custom, shall have particular attention paid them.

Lexington, November 21.

WANTED,  
A healthy Negro Girl, from 13 to 15 or 16 years of age.—Enquire of the Printer.

FOR SALE  
A well improved  
PLANTATION,

WITHIN three miles of Bourbon; containing One hundred and sixty six acres, of which about seventy acres is cleared, a good Dwelling House, Orchard, &c. &c. for terms, enquire of Col. Baker Ewing, or the subscribers.

Seitz & Lauman.  
Lexington, October 25.



Strayed from Thomas David's, on Hutton creek, two miles from Bourbon Court-house, the 18th of October, 1793, a likely sorrel Horse, about fourteen and a half high, eight years old, branded on the near shoulder thus W, has a large blaze in his face spreading more over one nostril than the other, long back, straight rump, shod all round, wears natural, one of his hind houghs split at the toe, whoever takes up the said horse, and bring him to Col. William Rufel's on North Elkhorn, or to William Campbell on Gilbert's creek in Lincoln county, shall have six dollars reward, paid by

*William Campbell.*



the present year. By these returns, and a proper estimate of the contingent charges of the government, you will be able to form a just estimate of the pecuniary provision that will be necessary for the ensuing year. As your duty to your constituents will prevent you from imposing unnecessary burthens on them, justice and policy both require, that the regulations for the collection of those taxes which are imposed, should be effectual; justice forbids that one part of the citizens of a free State, should support a government for the benefit of the whole; and policy requires, that by the punctual payment of the taxes as they become due, an accumulation of such demands may be prevented; as every year's delay naturally render all subsequent collections more difficult and precarious.

*Gentlemen of the Senate and House of Representatives.*

"I will not trouble you with a repetition of my former communications to the legislature, but will content myself with requesting your attention to such of them as have not been acted upon.

"I have no doubt that your deliberations will be conducted with harmony, coolness, and a proper regard to the public good, and flatter myself, that the result of them will be productive of real advantages to the State.

"You may be assured, so far as depends upon me, of my hearty co-operation in every measure, which shall have a tendency to promote the welfare and happiness of our common country.

*"ISAAC SHELBY.*  
Frankfort, November 6, 1793."

*Answer by the House of Representatives.*

To his excellency the Governor of Kentucky.

Sir,  
We the representatives of the people, return you our thanks for the communications you have made to us. We observe with pleasure, the attention you have paid to the public interest. The violent and general attack made by the Indians last spring on the frontiers of this state, made it necessary, we are convinced, to call into service, a considerable number of guards and forais. As you were empowered by the general Government, to call them into service; it remains only for us, to convince you of our hearty co-operation in the measure, by assuring you, we will take into consideration, the making provision, for the additional pay, to which as militia called into the service of the United States, they would have been entitled.

We are convinced, that the securing a safe communication with the Holston settlement, is a matter of very great importance to the welfare of this State; and that the measure you adopted, of enlisting men, to garrison the block-houses on the wilderness road, was the most likely to secure that communication.

We assure you we will take into consideration, the allowing them that additional pay, which you assured them you had no doubt they would obtain; and also the making provision for those who may hereafter be called out for the same purpose.

We are convinced that the Judiciary system of this Commonwealth, ought to be revised; and particularly, the judges of the supreme court of Criminal Jurisdiction, ought to receive a more adequate compensation for their services; and this consideration from some recent events, is the more fully impressed on our minds.

The propriety of revising, amending or altering the inspection laws; The consideration of what allowance ought to be made to the directors of the public buildings; to the agent appointed to receive the papers from the Land Office in Virginia; and to those appointed to examine the Surveyor's offices of the State and Congressional lines, we assure you, shall undergo a serious investigation. As the returns from the Auditor and Treasurer are laid before us, we shall be enabled to form a just estimate of the provision necessary to be made for the expenses of the ensuing year. In doing that and every other part of our duty, we shall receive the greatest encouragement, from a conviction, that you will cheerfully co-operate with us in every measure, which is likely to promote the general welfare.

*At a Court of Quarter Sessions continued and held for the county of Jefferson, September 5, 1793.*

James Sullivan, Complainant,  
Against  
Robert Campbell, Defendants,  
and James O'Hara,  
*In Chancery.*

THE Defendant James O'Hara not having entered his appearance herein according to law and the rules of this Court, and appearing to the satisfaction of this Court, that the said O'Hara is no inhabitant of this Commonwealth; it is ordered that the said Defendant O'Hara, do appear here on the first day of the February Court, & answer the Complainant's bill; and that a copy of this order be forthwith inserted in the Kentucky Gazette two months successively, published some Sunday at the front door of the Methodist Meeting-house at Samuel Calloways in this County immediately after divine service and posted at the front door of the house now used as Court-house in Louisville.

A Copy. Text  
Stephen Ormsby, C.C.Q.S.  
IRWIN & BRYSON,  
At their Store in Lexington.

HAVE just received from Philadelphia, a very large supply of fresh good Goods, suitable to the Summer and Fall season, which in addition to their former Goods, makes a very general and complete assortment of Merchandise, which they will sell on low terms for Cash or country Produce.

Lexington, July 12, 1793.

A Company will set out on Tuesday, November 26th from the Crab-orchard, through the Wilderness.

**STOLEN or STRAYED** from the subscriber, two horses, one a sorrel, the other a bay. The Sorrel horse has four legs white nearly as high as the joint of the knee, a white face, and is branded on the shoulder and buttock TW. he is about 15 hands high. The bay horse is upwards of fifteen hands high, black mane and tail, very little hair on his forehead, but he carries a remarkable fine tail, he is much windgalled, particularly behind; Whoever will deliver the said horses to the subscriber, shall receive a reward of Ten Dollars.

James Hughes.  
Lexington, Nov. 7, 1793.

**WANTED** (at the Paper-mill in Georgetown) four or five Apprentice Boys, between the age of twelve and seventeen years. Any such who can come well recommended, will meet with good encouragement by applying to

Craig, Parkers & Co.  
Lexington, Oct. 2.

Taken up by the subscriber living on the waters of Otter Creek in Madison county, a bay Mare, twelve years old, 4 feet 3 inches high, with a star in her forehead, branded on the near buttock thus W, appraised to \$1. Also, a bay 2 year old filly, with a star in her forehead, both hind feet white, branded on the off shoulder and buttock O, appraised to \$1.

Also, a sorrel filley one year old, with a long star in her forehead and snip on her nose, no brand perceivable, appraised to \$1.

Robert Brooks,  
July 3.

Taken up by the subscriber, living in Scott county, on Bank Lick, a brown bay Mare, 3 years old last spring, about 13 hands 3 inches high, some white hairs in her forehead, not docked, branded on the near buttock W B, a natural trotter, appraised to \$1.

William Mathews.  
September 5.

Taken up by the subscriber, living near Moon's station, one yellow sorrel mare colt, 1 year old last spring, neither docked nor branded, appraised to \$5.

William Jenkins.

Taken up by the subscriber, near Bank Lick, a bay Mare, about 5 years old, no brand or stiff mark, appraised to \$1.

William Mathews.

October 21.

Taken up by the subscriber on Hingston's waters, Clarke county, a young bay MARE, three years old past, four feet nine inches and a half high, no brand perceivable, has a little white on her near hind foot; posted and appraised to \$1.

Zephaniah Pratt.  
October 1.

All persons are hereby forbidden from cutting or barking any timber on my lands in Mercer county, near the Knob Lick, or else where, as I am determined to prosecute according to law, any person offending in the premises.

Abraham Bowman.  
November 12.

A large Company will meet at the Crab-Orchard the 30th inst. in order to start early the next morning through the Wilderness.

Woodford Court, of Quarter Sessions, September Term, 1793.  
John Morrison, Complainant,  
Against  
Jacob Brown, Defendant.

*In Chancery.*

THE Defendant having failed to enter his appearance in this cause, according to law and the rules of this Court, and it appearing to the satisfaction of the Court that he is not an inhabitant of this Commonwealth, on the motion of the complainant by his attorney, it is ordered that the Defendant do appear and answer the Complainant's bill, on the first day of the next Term of this court, and that a copy of this order be forthwith published for two months successively in the Kentucky Gazette, at the Clear creek Baptist meeting house, some Sunday immediately after divine service.

A. K. Marshall. C.C.Q.S.

Taken up by the subscriber, living in Bourbon county, near Douglass's mill, a black Mare, 4 years old, 14 hands high, has a long tail and bushy mane, no brand perceivable, has a black horse colt, posted, and appraised to \$1.

Acabul Corwin.  
May 21.

Taken up by the subscriber near the mouth of Glen's creek, in Woodford County, a black MARE, with a blaze face, two hind feet white, branded on the near shoulder and buttock WO about fourteen hands high, fourteen or fifteen years old, a natural trotter; appraised to \$1.

Also a sorrel horse COLT, one year old last spring, supposed to be thirteen hands and a half high, a blaze face, two hind feet white, branded the same as the mare; appraised to \$1.

Also a blue roan HORSE, about six years old, about thirteen hands high, branded on the near shoulder and buttock B and on the off shoulder EC, natural trotter; appraised to \$1.

Henry Snicker.

Taken up by the subscriber living on Silver creek, below Ham's mill, and old sorrel Horse about 4 feet 7 inches high, has a small star in his forehead, no brands perceivable, appraised to \$1. 105.

Also, one sorrel Horse, 4 years old, with a blaze face, a small bell on the clapper is a spike of iron tied in, about four feet three inches high, branded on the buttock thus N, appraised to \$1. 165.

Also one sorrel horse, 2 years old about 4 feet 6 inches high, branded on the near shoulder and buttock thus Q, appraised to \$1. 121.

John Phelps.  
July 28, 1793.

**FOR SALE, THE PLANTATION**

WHEREON I now live, containing 150 acres, lying on the waters of Huston, about three miles from Bourbon court-house; on which is a Dwelling-house two story's high, with a stone chimney, and several useful Cabbins; about 50 acres of said land is cleared, and under a good fence, including 3 acres of meadow, a thriving young peach orchard of excellent fruit, and a lot of 2 acres on which is about 200 large sugar trees. Said plantation is conveniently situated to Grift and Saw Mill, meeting house, &c. Cash, Negroes or Cattle will be taken in payment, and a clear and indisputable title given—for further particulars, apply to the subscriber on the premises.

John Waller.  
Bourbon, November 7